

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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| <b>ROBERT M. MOORE, JR. ET AL.</b>   | ) |                                 |
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| <b>APPLN NO.: 09/451,319</b>         | ) | <b>GROUP ART UNIT: 1616</b>     |
|                                      | ) |                                 |
| <b>CONFIRMATION NO.: 8868</b>        | ) |                                 |
|                                      | ) |                                 |
| <b>FILED: NOVEMBER 30, 1999</b>      | ) | <b>EXAMINER: ALTON N. PRYOR</b> |
|                                      | ) |                                 |
| <b>PREPARATION OF CONCENTRATED</b>   | ) |                                 |
| <b>AQUEOUS BROMINE SOLUTIONS AND</b> | ) |                                 |
| <b>BIOCIDAL APPLICATIONS THEREOF</b> | ) |                                 |

Mail Stop Patent Ext.  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION RE PATENT TERM EXTENSION UNDER 37 C.F.R. 1.701**

This is a petition in the above case to the Director under 37 C.F.R. §1.181, and is submitted for reconsideration of the Patent Term Extension indicated in the Notice of Allowance mailed on January 24, 2012, which Extension is governed by 37 C.F.R. §1.701. It is submitted that this petition complies with the requirements of 37 C.F.R. §1.701.

This petition is being filed within two months of the mailing of the Notice of Allowance.

It is understood that there are no fees for this petition under 37 C.F.R. §1.181.

The requirements of 37 C.F.R. §1.701 are set forth on the following pages.

**CERTIFICATE OF SUBMISSION**

I hereby certify that, in the course of ordinary business, this paper (along with any referred to as being attached or enclosed) is being submitted to the United States Patent and Trademark Office via EFS-Web on the date indicated below.

Date: February 16, 2012

Signed: Jane L. Hartdegen/  
Jane L. Hartdegen

### STATEMENT OF FACTS

According to 37 C.F.R. §1.701(e), this type of Patent Term Extension applies only to original patents, issued on applications filed on or after June 8, 1995, and before May 29, 2000. The present application was filed on November 30, 1999, and no request for a Continuing Prosecution Application was filed in this case. Thus this application is governed by the Patent Term Extension provisions under 37 C.F.R. §1.701 and former 35 U.S.C. §154(b).

- (i) The correct patent term extension is believed to be 1417 days, 867 days greater than the number indicated in the Notice of Allowance, 550 days.
- (ii) The relevant dates as specified in §§1.703(a) through (e) for which an adjustment is sought and the adjustment as specified in §1.703(f) to which the patent is entitled:

Regarding §1.701(c)(i), there are two sets of relevant dates because two Interferences, Nos. 105,222 and 105,223, involving the present application were declared. They were declared concurrently on July 9, 2004.

- The first set of relevant dates under §1.701(c)(i) are July 9, 2004, and January 1, 2006, the date on which Interference No. 105,223 was concluded. The 550 days from this delay was credited to Applicant in the Patent Term Extension by the USPTO, as indicated in the Notice of Allowance.
- The second set of relevant dates under §1.701(c)(i) are January 1, 2006, and October 13, 2006, the date on which Interference No. 105,222 was concluded. This period is 277 days, which were not credited to Applicants. In this connection, Applicants are aware that overlapping days (here, the concurrent Interferences) are only counted once, per 37 C.F.R. §1.701(b).

Under §1.701(c)(ii), the relevant dates are November 27, 2002, the date the application was suspended by the USPTO, and July 9, 2004, the date the Interferences involving the application were declared. This period is 590 days, which were not credited to Applicants.

(iii) The total days of adjustment therefore are  $550 + 277 + 590 = 1417$  days.

### **RELIEF REQUESTED**

Correction to the Patent Term Extension to 1417 days is respectfully requested. It is also requested that this correct Extension be shown on the patent that issues from this application.

Favorable action is solicited on this petition because it fulfills the requirements of 37 C.F.R. §1.701, and thus is submitted to be a grantable petition.

If any matters remain that require further consideration, the Office is requested to telephone the undersigned at the number given below so that such matters may be discussed, and if possible, promptly resolved.

Please continue to address all correspondence in this Application to Albemarle Corporation at the address of record.

Respectfully submitted,

*/Mary H. Drabnis/*

Mary H. Drabnis  
Reg. No. 45,909  
McGlinchey Stafford, PLLC  
301 Main Street, 14th Floor  
Baton Rouge, LA 70802  
Telephone: 225-382-3718  
Facsimile: 225-343-3076